

# Frankfurt Kurnit Klein + Selz PC

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August 7, 2017

**VIA ECF**

Hon. Alison J. Nathan  
United States Judge  
Thurgood Marshall United States Courthouse  
400 Foley Square  
New York, New York 10007

RE: Mantel v. Microsoft Corp. et. al, 16-cv-05277

Dear Judge Nathan:

We represent all defendants in this action, including lead defendant Zazoom LLC (collectively, “Defendants”). Together with counsel for plaintiff John Mantel (“Plaintiff”), the parties respectfully request that the Court adjourn the current filing deadline for summary judgement motions, August 14, 2017, and enter order that implements the parties’ agreed-upon briefing schedule set forth below.<sup>1</sup>

Following the post-discovery conference in this case on July 14, 2017, the parties met and conferred regarding their respective plans for dispositive motion practice. Because the parties both intend to make motions for summary judgment pursuant to Fed. R. Civ. P. 56(a), the parties have conferred on a briefing schedule consistent with Section (3)(G)(viii) of Your Honor’s individual practices. Based on these discussions, the parties have agreed on the following briefing schedule:

Deadline	Date
Plaintiff’s Opening Brief	August 25, 2017
Defendants’ Opening & Opposition Brief	September 22, 2017
Plaintiff’s Opposition & Reply Brief	October 20, 2017
Defendants’ Reply Brief	November 3, 2017

Thereafter, the parties will be prepared for oral argument on their respective motions on December 1, 2017, or as the Court may schedule such argument.

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<sup>1</sup> The parties’ stipulated briefing schedule is attached to this letter motion as Exhibit A and, consistent with the Local Rules, has also been submitted by e-mail to the orders and judgments clerk at the Southern District.

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This application represents the parties' first request to adjourn the deadlines relating to summary judgement motions.

Counsel for both parties are available at the Court's convenience to discuss this or any other matter.

Respectfully Submitted,  
**FRANKFURT KURNIT KLEIN &  
SELZ P.C.**

*/s/ Andrew J. Ungberg*

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